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HEADINGS AND SUBHEADINGS

FOR

THE INDEX

TO THE

FEDERAL STATUTES

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DRAFT OF A CLASSIFICATION PREPARED FOR THE APPROVAL OF THE JUDICIARY COMMITTEES OF CONGRESS UNDER ACT OF CONGRESS, APPROVED JUNE 30, 1906, AND SUBMITTED FOR THE CRITICISM OF ALL WHO HAVE OCCASION TO USE THE INDEXES TO THE FEDERAL STATUTES.

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EXAMPLE OF INDEXING

59th Congress, Sess. 1, Chap. 2454.

That the Secretary of the Treasury is hereby authorized to have constructed, at a cost not to exceed two hundred and fifty thousand dollars, a steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, said vessel to be operated and maintained by the Revenue-Cutter Service under such regulations as the Secretary of the Treasury may prescribe.

This statute necessitates the following entries:

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LETTER OF TRANSMITTAL

LAW LIBRARY OF CONGRESS AND SUPREME COURT,
Washington, November 10, 1906.

SIR: I have the honor to submit a draft of the plan for indexing the Federal Statutes prepared for the approval of the Judiciary Committees of Congress under the act of June 30, 1906.

The subject headings and subheadings tentatively set forth herein form the framework or skeleton on which will be subjoined at the appropriate points the *entries* or brief descriptions of the innumerable subjects of law in the 40,000 pages of Statutes and Treaties.

The presence of plentiful subject headings and subheadings in an index enables an inquirer, no matter from what point of view he approaches it, to be guided speedily to the law which he seeks, without useless cogitation and experiment. The repetition of the same entry, which is convenient and proper in a small index, would swell to unwieldy proportions an index for the vast quantity of material here undertaken. By the use of cross-references repetition of identical entries is largely avoided and space is economized without omitting at any point any subject which may be reasonably conceived by any inquirer whether he be Government specialist, lawyer, or layman. Thus it is hoped that the personal and esoteric features which usually characterize schemes of classification may be minimized. Attention will be given to secure harmony in the cross-references and uniformity in the subject headings generally. Uniformity in the framework of an index is of great importance. It enables an inquirer on slight acquaintance with the index to find what he seeks without loss of time.

Entries will begin with the most descriptive or significant word, and will undertake in the brief space of a single line to give a precise description of the legal matter referred to. Entries will be followed by the volume and page of the Statutes at Large and the day, month, and year of the enactment of the Statute or ratification of the Treaty.

Care will be taken to discriminate in the use of the general and particular subject headings. A law relating to all of the particular subjects of which a general subject is composed will be entered under the general subject, e. g., under "Naval Vessels" will be entered laws relating to all vessels of the Navy, and the inquirer will be directed by a "*See*" to the laws relating to any one of the particular subjects, e. g., "Battle Ships," and there he will be directed by a "*See also*" to the general subject, e. g., to "Naval Vessels."

To analyze a law in detail, to see it in its various aspects and determine in a practical way which of them should be indexed, to take the obvious meanings and avoid attenuated interpretations, to state in concise and precise English the entry, and to place each entry under its exact subject heading, to the end that the subject

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suggested by the heading and subjects set forth in the entries are always coextensive—these are the recurring processes of law indexing, and they must be performed rapidly if much ground is to be covered in a given space of time.

The difficulties of the task are enhanced in indexing the Federal Statutes through the frequent absence of precise and uniform language and the failure at many points to express in the technical terms of the law the legal phenomenon set forth; e. g., the term "venue" rarely occurs in the legislation on the subject, likewise the term "diplomatic immunity," etc.

To index accurately and with fullness the detail of a subject, complete knowledge of the subject in its various phases and also of its various relations to cognate subjects is required. A mastery of the numerous subjects to be indexed is impossible without long study. For this reason the present draft of the principal subjects to be indexed will be submitted to those who may have special knowledge of particular subjects and are competent to give useful criticisms and suggestions thereon. The classification scheme has been printed with a wide margin and spaced, to enable those who will be good enough to criticize it, readily to write in their suggestions at the appropriate points.

As the work of making the entries has begun, it is important that the criticisms and suggestions of the classification, which are here invited, should be sent to the Law Library of Congress as soon as possible. The present classification will undoubtedly be subjected to many modifications as the work progresses—particularly the more detailed subheadings, which will be eliminated wherever the descriptive word of the entry will answer the purpose (viz., of guiding the inquirer) without accumulating an unduly long list of entries under any particular subject heading. In short, the aim is to analyze the great body of statutes and treaties in detail and accumulate the references (i. e., the entries) thereto in small, well-defined groups under appropriate subject headings.

The proper names found in the numerous private and purely local acts on such subjects as pensions, increase of pensions, removal of legal and political disabilities, correction of military records, claims, post-offices and other public buildings, bridges, harbors, rivers, registry of particular vessels, Indians, etc., might be omitted to an advantage from the main index, arranged alphabetically, and printed in smaller type in the last part of the volume. This would avoid encumbering the main index with a vast number of subjects to which reference is, on the whole, rarely made. In the main index it is proposed to give the popular name by which some of the laws are known; also a list of the principal laws on leading subjects, chronologically arranged, e. g., on public lands, customs, shipping, and navigation, etc. Expression of opinion is invited respecting the detail in which the annual appropriation acts should be indexed. How far does practical utility require the items of such acts to be caught up in a uniform index to nearly one hundred and twenty years of legislation, particularly when an index already exists to the appropriation acts of the separate Congresses?

A table of the repeals and amendments will be prepared to indicate the relation of the statutes in these respects.

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The specific inquiry relative to the difference between the proposed index and the old indexes to the Federal Statutes has been tersely answered by another who described the existing indexes to be largely made up from the marginal titles found affixed to the paragraphs of the Statutes at Large, and the sections of the Revised Statutes, and arranged for the purpose of an index under subject headings, whereas if they were arranged in the sequence of the pages they would constitute a table of contents. Another question frequently asked is what relation this law work has to the revising of the statutes. It may be said that a table of the repeals and amendments and a detailed subject index of the statutes have generally been considered the prerequisite processes of the scientific method which should be employed in the preparation of an accurate and orderly revision, consolidation, or codification of the sessional statutes.

The work of preparing the present plan has been in large part performed by Mr. Middleton G. Beaman and Mr. Joseph A. Beck, of the Law Library of Congress.

Respectfully submitted,

GEORGE WINFIELD SCOTT,
Law Librarian.

Hon. HERBERT PUTNAM,
Librarian of Congress.

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ABANDONED LANDS, BUREAU OF, *See* FREEDMEN'S BUREAU

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